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American Social Health
Association

The segregation of
prostitution and injunction...

New York

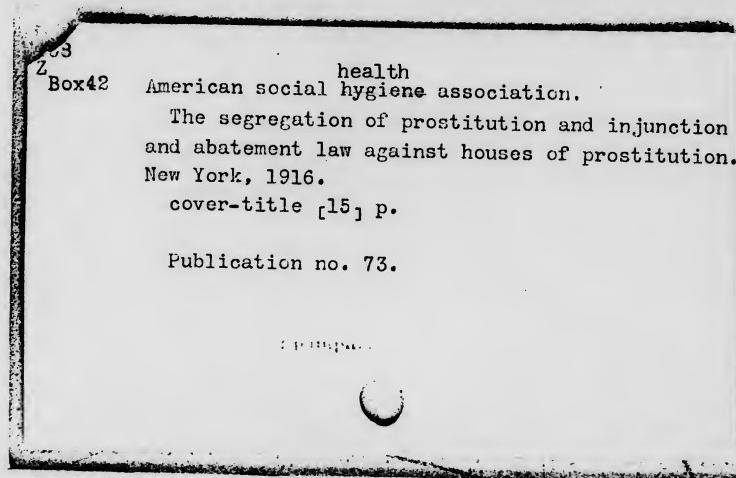
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The Segregation of
Prostitution

and

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Box 42

The Injunction and
Abatement Law

against

Houses of
Prostitution

The American
Social Hygiene Association, Inc.

105 West 40th Street

New York City

1916

States in which the Injunction
and Abatement Law is
now in force.

Arizona	New Jersey
California	New York
Colorado	North Carolina (Guilford Co. only)
District of Columbia	North Dakota
Idaho	Oregon
Illinois	Pennsylvania
Indiana	South Dakota
Iowa	Tennessee
Kansas	Texas
Maine	Utah
Massachusetts	Virginia
Michigan	Washington
Minnesota	Wisconsin
Nebraska	

Total (1916) 27

PROVISIONS OF THE INJUNCTION AND ABATEMENT LAW.

Houses of prostitution and their contents are declared nuisances. A person who occupies, conducts, or owns a house of prostitution is declared guilty of maintaining a nuisance.

The individual citizen, as well as prosecuting officials, is given the right to institute legal proceedings to enjoin and abate such a nuisance.

Upon proof of the existence of the nuisance, a permanent injunction is issued against its continuance, the sale of personal property used in conducting the nuisance is ordered, and the premises closed, unless a bond is given to insure the lawful use of the property in the future.

Violation of an order of court enjoining the continuance of the nuisance is made a contempt of court and punishable by fine or imprisonment.

ITS CONSTITUTIONALITY.

Although the constitutionality of the Injunction and Abatement law has been attacked in the courts of California, District of Columbia, Iowa, Minnesota, Nebraska, and Washington, every legal principle embodied in the law has been upheld. It is unquestionably a valid exercise of legislative power.

CITATIONS TO INJUNCTION AND ABATEMENT STATUTES.

Arizona	Civil Code (1913) Secs. 4340-9.
California	Laws (1913) Ch. 17.
Colorado	Laws (1915) Ch. 123.
District of Columbia	Public No. 52, 63d Congress (1914).
Idaho	Laws (1915) Ch. 43.
Illinois	Laws (1915) Page 371.
Indiana	Laws (1915) Ch. 122.
Iowa	Code (1915) Secs. 4944-1h-1h1.
Kansas	Laws (1913) Ch. 179.
Maine	Rev. Stat. (1903) Ch. 22, Secs. 1-4.
Massachusetts	Laws (1915) Ch. 624.
Michigan	Laws (1915) No. 272.
Minnesota	General Statutes (1913) Secs. 8717-26.
Nebraska	Rev. Stat. (1913) Secs. 8775-82.
New Jersey	Laws (1916) Ch. 154.
New York	Laws (1914) Ch. 365.
North Carolina	Laws (1913) Ch. 761.
North Dakota	Comp. Laws (1913) Secs. 9644-51.
Oregon	Laws (1913) Ch. 274.
Pennsylvania	Laws (1913) No. 852.
South Dakota	Penal Code (1913) Page 603.
Tennessee	Laws (1913) 2nd Spec. Sess., Ch. 2.
Texas	Penal Code (1916) Arts. 501-6.
Utah	Laws (1913) Ch. 99.
Virginia	Laws (1916) Ch. 463.
Washington	Code Supp. (1913) Title 135, Secs. 1701-15.
Wisconsin	Statutes (1915) Secs. 3185-b-h.

THE ADVANTAGES OF THE INJUNCTION AND ABATEMENT LAW.

Commercialized prostitution requires property to conduct its business. Criminal law punishes individual offenders only—the business continues. The Injunction and Abatement law penalizes the owner and user of property for permitting it to be used for purposes of prostitution. It does not create a new crime. It is a civil remedy in equity. It strikes at the root of the commercialization of vice.

Although houses of prostitution have long been considered nuisances under our laws, no permanently effective method of suppressing them had been found until the enactment of the Injunction and Abatement law. An individual citizen could not enjoin the continuance of a nuisance unless he could prove that he had suffered damages as an individual in addition to any damages he might have suffered as a citizen. The difficulty of proving such additional injury, together with the heavy cost of instituting legal proceedings, prevented, in practice, any action, so that, if public officials were negligent, no ready means of redress existed.

Under the Injunction and Abatement law, any citizen, as well as a public official, may institute abatement proceedings against a house of prostitution and may enjoin the owner, lessee, and inmates thereof from continuing its use for

purposes of prostitution. The procedure is simple, the costs are slight, and the burden is placed upon the owner of the property to see to it that his property is not used for such purposes. The owner must not only exercise care in the selection of tenants; he is responsible for the use by them of his property in accordance with law.

The Injunction and Abatement law puts an end to the "Segregated District." Any person can enjoin the owner of every house of prostitution in the "District" from continuing its use for immoral purposes. Action is prompt and not dependent upon prosecuting officials.

THE INJUNCTION AND ABATEMENT LAW IN OPERATION.

The most frequent use of the Injunction and Abatement law is to abolish the segregated district. Whether the law should be enacted depends, therefore, in a large measure upon the policy which should be adopted in dealing with concentrated, commercialized prostitution. Should it be tolerated and regulated or should it be repressed? The practical answer to this question is contained in the changing attitude of every large American city with respect to the problem. Not many years ago toleration, sometimes official sanction, was almost the universal method of attempting to control prostitution. Today, official sanction of regulation is nearly obsolete. Only two large cities in the United States at the present time officially recognize and give a legal status to their prostitutes. Even toleration is fast disappearing as an official policy. The reasons

for this change of attitude may be stated as follows:—

1. SEGREGATION INCREASES THE VOLUME OF PROSTITUTION.

Segregation increases the demand for prostitutes.

The known existence of a district tolerated by law, the "mystery" of it to the uninitiated, the ease of access—all these factors are a persistent lure to men with a taste for adventure or an overdeveloped sexual appetite, and are particularly operative when men congregate in large numbers and under the stimulus of excitement. Moral restraints are weakened more easily when a city officially stamps prostitution as a necessary evil than when the whole repressive power of the community is exerted.

Segregation increases the supply of prostitutes.

The constant service required of the inmates of houses of prostitution soon renders them diseased and unattractive, and others must be drafted into service. Segregation, therefore, is a stimulus to the exploitation of girls and thus increases the commercialization of prostitution to the profit of third parties. Its brutalizing viciousness makes reformation almost insuperably difficult. The experience of women's reformatories and rescue homes all over the country bears witness to this.

Segregation does not segregate.

Segregation is an impossible "ideal," for the bulk of prostitution is never confined to a

single locality. The district contains only the least competent, mentally and physically.

Segregation is a continuous advertisement of vice.

To the trafficker in women, the segregated district is an open market for the barter of human bodies. To the prostitute it is a shelter in which she may ply her trade unmolested. To the man it provides an accessible means for the gratification of his lust. To the unscrupulous owner of property it is the source of inflated rentals. To every person concerned in commercialized vice a segregated district is an open, convenient, and safe means of doing business.

2. SEGREGATION INDUCES THE CORRUPTION OF OFFICIALS AND INCREASES NOT ONLY PROSTITUTION, BUT CRIME IN GENERAL.

Segregation creates an illegally privileged class.

Nowhere does the law countenance the prostitute or the keeper of a house of prostitution. Is it reasonable to expect the policeman to remain uncorrupted when he is tempted by public toleration of commercialized prostitution to confer illegal privilege by winking at law-breaking?

Segregation provides a meeting-place for the idle and vicious.

From idleness, plus vice, to crime is a short step. Though prostitution in Europe is regulated, medically and otherwise, in many cities,

in no city is a segregated district permitted, because, police officials in Paris, Berlin, and Vienna say, the increase in crime would be too great.

Segregation increases illegal traffic in liquor.

Segregation and illegal traffic in liquor almost universally co-exist because the house of prostitution must have liquor to arouse men.

3. SEGREGATION INCREASES THE PREVALENCE OF VENereal DISEASES.

Segregation is the most prolific cause of public contamination.

It sets apart a group of women whose business is to satisfy the sexual desires of all men who pay the price. Once infected, they spread syphilis and gonorrhea unceasingly. An innocent wife or child, present or future, may be the victim of the male carrier of disease.

Segregation deceives the ignorant into reliance upon medical inspection.

Some of the reasons why medical inspection is inevitably inadequate are:—

- (a) The physician is limited in his opportunity to make a diagnosis.
- (b) The concealment by the prostitute of venereal infection is possible in a large proportion of cases.
- (c) The physician is tempted to issue false "health certificates" in return for large fees.

4. SEGREGATION MEANS THE MORAL DECADATION OF THE ENTIRE COMMUNITY.

A community cannot countenance the violation of the law prohibiting the keeping of houses of prostitution and not at the same time lessen the observance of the laws prohibiting illegal liquor traffic, gambling, and other forms of crime. It is not *intelligent* to permit a segregated district to exist, and especially among the homes of the poor, who are least able to combat it or withstand its ravages, and from whom its victims are chiefly drawn.

Vice commissions all over the United States have unanimously recommended that segregated districts be abolished.

THE OBJECTIONS URGED AGAINST THE INJUNCTION AND ABATEMENT LAW.

Three objections have been advanced against the law:—

1. Prostitution scattered.
2. Blackmail and hardship upon property owners.
3. Increase of crime against women.

Whether these objections have any merit may be determined from the experience of the twenty-seven states in which the Injunction and Abatement law is now in operation.

1. The enactment of an Injunction and

Abatement law has almost invariably resulted in the immediate abolition of segregated districts. In consequence, most of the prostitutes have left the state. Some undoubtedly have remained, and a few have returned to legitimate occupations or married. Those who have remained necessarily obtain new quarters, and it is charged that they soon infest residential districts. But in every city where vice investigations have been made it has been shown that prostitution is not confined to the segregated district. Prostitutes, especially the more successful, are already scattered among the residential districts, and though, with the breaking up of the segregated district, this scattering may be somewhat increased, the total volume of prostitution is diminished. Not only the quantity, but also the form, is affected. Compulsory prostitution, enslaving of the prostitutes by pimps, procurers, madams, bond sharks, and grafters, the traffic in women, and the exploitation of prostitution, for which a marketplace is necessary, are made unprofitable.

2. It is a sufficient answer to this objection to say that, although the Injunction and Abatement law is in force in twenty-seven jurisdictions, not a single case of blackmail under cover of the law has yet been reported.

3. The facts refute the objection that with the abolition of the segregated district, the predatory male has assaulted virtuous women, seduced the weak, and otherwise satisfied upon respectable women his animal passions which formerly found outlet within segregated districts upon professional prostitutes.

Statistics in Iowa, where the Injunction and Abatement law has longest been in force, show that indecent assaults have decreased since the law was enacted, and in no case where a segregated district has been abolished has there been an increase in such assaults upon women and children.

Even the proponents of segregation must admit that their objections to the Injunction and Abatement law are illogical, since either the criticism that the law merely scatters prostitution, or the statement that, as a result of it, crimes against women increase, must be dismissed, because if prostitution has not been lessened by the abolition of the segregated district, obviously there would be no need for venting masculine passion upon innocent women.

WHAT THE INJUNCTION AND ABATEMENT LAW HAS ACCOMPLISHED.

That the Injunction and Abatement law is an effective legal instrument is demonstrated by the fact that in every instance its use has resulted in the immediate and permanent clearing out of prostitutes from the property complained of. On the other hand, because of the delays, evasions, change of personnel, and other time-killing devices possible under the criminal laws, it was extremely difficult to accomplish their removal by that means. It has not infrequently happened under the administration of the criminal laws that numerous raids, arrests, and convictions lasting over a period of several years have been necessary

before the business became too unprofitable to run. Furthermore, the Injunction and Abatement law places the prostitute permanently under the control of the court, whose order prohibits her forever from practising her profession anywhere within the judicial district. There is no fine or imprisonment provided for the first offense but the penalty for infraction of the restraining order is so severe and the method of proof so quick and easy (being without a jury and before the judge or court who issued the order) that very few prostitutes have been found with the temerity even to attempt to renew the practice of their profession within the judicial district. States have thereby been relieved from the disgrace of sharing in the proceeds of prostitution through the ancient system of petty fines common under the criminal laws, which only stimulated renewed activity on the part of the prostitute to pay them.

Again, the Injunction and Abatement act has an educational value in that it places the responsibility upon the owner of property for its use in a manner not inconsistent with the interests of the state.

Property owners now help rather than hinder the elimination of prostitution. By its public declaration of the responsibility of property owners for prostitution on their premises and its provision for their severe punishment for failure to accept that responsibility, the Injunction and Abatement law has created in them a new conscience and has changed a large number of them from obstructionists of law enforcement into active allies for the law-enforcing officials. Judges,

county attorneys, police commissioners, and real estate agents testify that property owners are taking a new and lively interest in the character of their tenants.

Finally, the Injunction and Abatement law places in the hands of law enforcement organizations a weapon of which they may avail themselves, if officials fail or refuse to act. Any citizen, irrespective of official position or individual property damage to himself, may bring legal proceedings to abate the nuisance and to enjoin the persons engaged in its maintenance from thereafter continuing it.

In Buffalo, Indianapolis, Chicago, San Francisco, Erie, Omaha, Lincoln, Des Moines, Los Angeles, Portland (Oregon), Seattle, Spokane, Washington (D. C.), Richmond, and Norfolk, the Injunction and Abatement law has been significantly successful in closing houses of prostitution. Wherever a law enforcement organization has used it, the result has proved that it is a most effective method of ridding a community of this form of commercialized prostitution.

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